

CITY OF ALAMEDA PLANNING BOARD  
Draft RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DEVELOPMENT PLAN AMENDMENT PLN11-0328, STREET DESIGN PLANS AMENDMENT, AND THIRD ADDENDUM TO ENVIRONMENTAL IMPACT REPORT AT TRACT 7884 (ALAMEDA LANDING RETAIL CENTER)

WHEREAS, an application was made on October 20, 2011 by Catellus Alameda Development, LLC for a Development Plan amendment to construct a retail center and associated parking, landscape and pedestrian improvements on an approximately 23 acre site (the "Retail Center") and amend the design plans for the 5<sup>th</sup> Street, Mariner Square Loop, and Mitchell Avenue Extensions for the Alameda Landing Project; and

WHEREAS, the subject property is designated Specified Mixed Use on the General Plan Diagram; and

WHEREAS, the subject property is located in a MX (Mixed Use - Planned Development) Zoning District; and

WHEREAS, on December 5, 2006 the City certified the Final Environmental Impact Report for the Alameda Landing Mixed Use Development Project (a Supplement to the 2000 Final Environmental Impact Report for the Catellus Mixed Use Development Project), and adopted the Mitigation Monitoring and Reporting Program; and approved the first addendum to the Supplemental EIR in 2007 and a second addendum in 2008.

WHEREAS, the proposed project is consistent with the Bayport-Alameda Landing Project Master Plan (the "Master Plan") as approved by the City Council on January 2, 2007; and

WHEREAS, the Planning Board adopted the Transportation Demand Management Program and design plans for Fifth Street and Mitchell Avenue on May 14, 2007; and

WHEREAS, the Planning Board adopted the Alameda Landing Site-Wide Landscape Development Plan and a First Amendment thereto on May 29, 2007, and the City Council adopted a Second Amendment thereto on November 6, 2007, and

WHEREAS, the Planning Board adopted the Waterfront Promenade Development Plan on May 29, 2007, and the City Council adopted an amendment thereto on November 6, 2007, and

WHEREAS, the Planning Board approved the landscape and site improvements for Fifth Street, Mitchell Avenue and Stargell Avenue Extensions on July 23, 2007; and

WHEREAS, the Planning Board approved a Development Plan for the Retail Center on June 25, 2007 (the "Retail Center Development Plan"), and

WHEREAS, the City Council approved the Design Review for the Retail Center on November 6, 2007, and

WHEREAS, on November 26, 2007, the Planning Board approved a final Design Review resolution that finalized the approval of the Development Plan and finalized Design Review for a number of the buildings on the site.

WHEREAS, the Planning Board held a public study session on the proposed amendments to the Retail Center Development Plan on November 28, 2011, and

WHEREAS, the Planning Board held a public hearing and examined all pertinent materials on January 9, 2012, and

WHEREAS, pursuant to AMC Section 30-4-13 (f)), the Board has made the following findings relative to proposed Development Plan and Street Plan amendments (PLN11-0328):

1. **The development is an effective use of the site.** The Development Plan provides for a retail center, associated parking and pedestrian, transit and bicycle facilities designed to provide a vital commercial center that is pedestrian, bicycle and transit-friendly. The Development Plan utilizes street extensions, landscaping, building placement and orientation, and parking placement to create an effective and successful commercial center and a compatible interface with the adjacent properties and uses.
2. **The proposed use relates favorably to the General Plan.** The proposed development supports General Plan policies for the redevelopment and reuse of the former Naval Air Station and FISC facilities, General Plan policies to increase job opportunities and retail opportunities in Alameda, and General Plan policies to extend public streets, bicycle lanes, transit lanes and pedestrian access through the area. The Target store will create between 200 and 300 new permanent jobs in Alameda. The other ten buildings on the site could result in another 200 to 300 new permanent jobs in Alameda for a total of 400 to 600 new Alameda jobs. This project also facilitates future development of the adjacent waterfront areas, which supports General Plan policies to increase public waterfront parks and public waterfront access citywide and on this property.
3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.** The proposed Development Plan is consistent with the Master Plan, which specifies mixed uses, including commercial uses, for this site. The development plan is designed to be compatible with the adjacent residential and institutional uses by providing attractive public improvements, ample pedestrian, transit, and bicycle facilities, and placing parking and garbage facilities at the rear of the buildings where they will be screened from adjacent properties. The Urban Decay Analysis completed for this project and included in the EIR Addendum shows that the project will not have substantial deleterious effects on existing business districts or the local economy. Alameda residents are currently traveling off-island for many of their shopping needs and this retail center will provide on-island shopping opportunities that do not currently exist on-island.
4. **The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally,**

**aesthetically, and operationally harmonious with the community and surrounding development.** The proposed development qualifies as a mixed-use development pursuant to the MX, Mixed-Use Planned Development Zoning District, and satisfies the purposes of the MX district regulations. The project site plan is designed to conform to the Alameda Landing Master Plan standards and requirements adopted to ensure that the project would be compatible with adjacent College of Alameda, Bayport residential neighborhood, future development of the former Alameda Naval Air Station and Coast Guard Housing site, and existing and future waterfront uses.

5. **The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.** The Development Plan is designed in a manner compatible with existing and potential contiguous uses. The street network, location of driveways, orientation of retail frontage to Fifth Street, and the location of bicycle facilities, pedestrian facilities, and transit facilities are all designed to complement and support the planned surrounding uses. The Retail Center plans provide for a well-designed pedestrian network, bicycle access, and vehicular access. The proposed improvements on Fifth Street will support and encourage use of and access to the waterfront. By constructing the 5<sup>th</sup> Street, Stargell Avenue, and the Mitchell Avenue extensions, this project is also providing important infrastructure improvements that are necessary to serve the final phases of the Community Reuse Plan on the lands commonly referred to as "Alameda Point" west of Main Street.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board finds that the proposed project implements the Master Plan evaluated in the Environmental Impact Report for the Alameda Landing Mixed Use Development Project (a Supplement to the 2000 Final Environmental Impact Report for the Catellus Mixed-Use Development Project) in accordance with the California Environmental Quality Act (CEQA) (State Clearinghouse #2006012091), and, as documented in the third Addendum, the proposed amendments to the Retail Center Development Plan and the designs for the 5<sup>th</sup> Street and Mitchell Avenue Extensions will not result in any new or substantially more severe environmental impacts than identified in the SEIR.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board approves the amendment to the Retail Center Development Plan PLN11-0328 and the amendment to the design the 5<sup>th</sup> Street and Mitchell Avenue Extensions (Exhibit A), subject to the following conditions:

1. The plans submitted for the Building Permit shall be in substantial compliance with Exhibit A: Alameda Landing Development Plan Review Package prepared by SGP Architecture and Planning and dated December 22, 2011, consisting of 10 sheets, which are on file in the office of the City of Alameda Planning Division, subject to the conditions specified in this resolution approving the project.
2. The conditions set forth herein shall supersede and replace the conditions set forth in Planning Board Resolution No. 7-025 approving the Retail Development Plan and Planning Board Resolution No. 07-14 approving the designs for the 5<sup>th</sup> Street and Mitchell Avenue Extensions.

### **Community Development Conditions:**

3. Where there are substantially similar requirements or inconsistencies contained in the conditions of this approval on the one hand, and the Development Agreement (Alameda Landing Commercial Project), Disposition and Development Agreement (Alameda Landing Mixed Use Project), and/or the Mitigation and Monitoring Reporting Program on the other hand, the provisions of the Development Agreement (Alameda Landing Commercial Project), Disposition and Development Agreement (Alameda Landing Mixed Use Project), and/or the Mitigation and Monitoring Reporting Program, as applicable shall govern.
4. Each phase of development shall provide the necessary street, utility, and other infrastructure to support that phase, meet the needs for public access, multimodal traffic circulation and the City's design standards as determined through the approval of the MDIGP and improvement plans for each phase subject to the provisions of the Alameda Landing Commercial Project Development Agreement.
5. Additions and/or alterations to the project shall be subject to design review if said modifications are in compliance with standards of this Development Plan. Additions and/or alterations shall be subject to a Development Plan Amendment where they do not comply with one or more of the requirements. Minor project design details requested by the applicant may be established, modified, and approved by the Community Development Director. Engineering standards and specifications requested by the applicant may be established, modified and approved by the Director of Public Works, or their designee.
6. Minimum building setbacks coverage and site plan dimension shall be as shown in Exhibit "A." If the floor area of any building increases or decreases by 20% or more from the floor area shown for the Building in Exhibit A, the applicant shall submit a revised Development Plan application for Planning Board review and approval.
7. Prior to the issuance of a building permit for any building, the applicant shall submit a Design Review application, including a Landscaping Plan, for review and approval by the Planning Board.
8. Prior to issuance of a building permit for any building, the applicant shall submit for Community Development Director approval the following:
  - a. A Mitigation Measure Compliance Checklist documenting compliance with the Mitigation Monitoring Program adopted as part of the 2006 SEIR.
  - b. A Tenant Demising Plan for buildings A through J illustrating how each tenant space will address the public right of way or the internal street.
  - c. Pedestrian path, pedestrian plaza, and pedestrian cross walk materials and details.
  - d. Bicycle parking, (visitor, special event, and employee) design, capacity, and location.
  - e. Final parking lot circulation plans, including details to prevent parked cars from extending into the adjacent pedestrian paths and the location of all Disabled Parking Spaces, and templates showing appropriate turning

- radius for disabled vans, trucks and fire truck circulation into and through the center.
  - f. Final shopping cart corral locations and a mechanism to ensure that shopping carts remain on the site and are not abandoned in adjacent neighborhoods or on public streets.
  - g. Final Trash enclosure locations and design.
  - h. Site furniture and lighting details and locations.
  - i. The siting, size, location and design of above ground facilities such as utility cabinets and mail collection boxes.
9. Above ground, pad-mounted utility and transformer facilities (the big green boxes), that serve the Retail Center buildings, should be placed behind buildings and should not be placed on the 5<sup>th</sup> Street frontage. The siting, size, location and design of above ground facilities such as utility cabinets and mail collection boxes shall be shown on improvement plans and approved by the City Engineer and Community Development Director.
  10. All lighting fixtures within the common and public areas shall be subject to final design review approval by the Community Development Director. The location, height, type and lighting level of all light standards shall be shown on improvement plans and approved by the City Engineer. Lighting in the public right of way shall be subject to review and approval of Alameda Municipal Power and the City Engineer.
  11. Prior to issuance of any sign permits or the construction of any signs, the applicant shall submit a comprehensive sign program for Alameda Landing as required by the Master Plan. The sign program shall address “wayfinding”, public access, “advertising billboard” signage, monument signage, and all building, parking lot, and internal non-traffic related circulation signage for the project.
  12. Construction offices or other incidental operations occurring during construction are not approved as part of this Development Plan approval and require a separate Use Permit. The specific number of facilities, location, design, screening, dust control, noise, utilities and parking shall be subject to an administrative Design Review approval by the Community Development Director.

### **Public Works Conditions**

#### **TRANSPORTATION**

13. The applicant/developer shall comply with the terms and conditions of the approved Transportation Demand Management Plan for the Alameda Landing Project.
14. The Master Street Plan shown on Page 5A of the Development Plan Review Package shall be amended to:
  - a. Transit: Provide bus pullouts at 1) the southwest corner of Mitchell at its intersection with Mariner Square Loop, 2) the northwest corner of Mitchell at its intersection with Mariner Square Loop, 3) the southeast corner of Mitchell at its intersection with 5th Street, and 4) the northwest corner of Mitchell at its intersection with 5th Street. All bus stops on Mitchell Avenue shall have 10-foot deep bus pullouts. The pull out must be designed to provide a concrete pad for a bus that is designed to accommodate at-least 60-foot bus, with a 70 to 90 foot

- approach taper and 40 to 60 foot exit taper. The design for the pullout lay out will be finalized as part of the MDGIP update.
- b. Transit: Provide a bus stop without pull out at the northwest corner of Stargell Avenue at its intersection with 5<sup>th</sup> Street.
  - c. Transit: All bus stop locations, including those on 5<sup>th</sup>, Stargell, and Mitchell, shall have an electrical connection (stubbed out) to provide future electricity for real time bus arrival and departure information and other amenities requiring electricity in the shelter.
  - d. Landscape Areas/Mariner Square Loop: Provide a 5 feet wide landscape area (planter strip) next to the sidewalk for trees along the westerly side of Mariner Square Loop or provide trees at the back of the sidewalk at 30 foot spacing as part of the parking area landscape plan.
  - e. Landscape Areas/Mitchell: The landscape planter strip on Mitchell shall be increased on both sides from 5 feet to 6 feet to increase the pedestrian buffer from traffic on Mitchell and provide adequate room for larger trees to get established.
  - f. Mariner Square Loop Turn Pocket: Increase the left turn pocket length at the northbound approach of Mariner Square Loop at Mariner Square Drive/Mitchell intersection from 60 feet to 100 feet. Provide the left turn bay taper of at least 60 feet.
  - g. Mitchell R-O-W: Maintain a constant right of way of 68 (2 additional feet for landscaping) feet on Mitchell throughout. Maintain a straight curb line on Mitchell Avenue along the southerly side of the street at 11 feet from the southerly right-of-way line. The northerly side curb line may meander to address future modifications to curb/gutter/landscaping and sidewalks.
  - h. 5<sup>th</sup> Street Turn Lanes: Increase the southbound left turn lane on 5th Street at its intersection with Stargell from 90 feet to 100 feet, and increase the northbound left turn lane length at the signalized intersection on Fifth (halfway between Mitchell and Stargell) from 60 feet to 100 feet.
  - i. Stargell Driveway: Provide a raised concrete pedestrian island while providing enhanced pedestrian access across the driveway and restricting trucks larger than 40-foot wheel base (WB 40) to enter or exit this driveway.
15. The applicant/developer shall submit a traffic striping and signage plan for all on- and off-site improvements, including all crosswalks, bus stops, turn lanes, merge lanes, acceleration lanes, lane drops, etc, as part of the Master Demolition, Grading, Improvement and Phasing Plan (MDGIP) submittal prior to approval of the construction improvement plan submittal. A registered civil engineer or traffic engineer licensed in the State of California shall prepare the plans. The approved street designs for 5<sup>th</sup> Street and Mitchell Avenue represent conditions at full build out of Alameda Landing, but the improvements may be phased, as permitted by the DDA and updated MDGIP. Interim phasing plans for street improvements, intersection controls, and lane striping shall be included in the MDGIP and subject to review and approval of the Public Works Director. The engineer shall sign and stamp the plans as approved. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or the parcel/final map for the retail center (excluding the large lot conveyance map) (the "Retail Parcel/Final Map"), whichever comes first.
16. Pursuant to Section 3.6.4(a) of the Alameda Landing Commercial Development Agreement, the City cannot require dedications or reservations for, or construction or

funding of, public infrastructure beyond those already identified in the Alameda Landing DDA, the Master Plan, the MMRP and the updated MDIGP. Notwithstanding this provision, Catellus agrees to work with the City and the adjacent property owner in good faith to acquire the right of way for and construct a continuous sidewalk along the frontage of the Alameda Health Club on Stargell Avenue frontage from the intersection of Stargell and Mariner Square Loop (College of Alameda north entrance) to the eastern edge of the retail center on Stargell, in order to provide a continuous sidewalk along the north side of Stargell from Mariner Square Loop to 5th Street. In the event that the project applicant (Catellus) and the adjacent property owner (Ms. Wagner) are unable to come to a mutually satisfactory agreement to allow Catellus to construct the sidewalk in front of the Health Club property, Catellus shall provide written notice of Catellus's good faith offer to the City indicating that the parties have not been able to come to an agreement. This notice shall occur, if it occurs, prior to approval of the final improvement plans for the sidewalk adjacent to the retail center. In the event that the City receives this notice, staff will schedule a hearing before the Planning Board to discuss options for closing the "gap" in the sidewalk. If the Planning Board recommends that the City provide funding for the sidewalk, a hearing shall be scheduled before the City Council to consider the Planning Board's recommendation. In no event, however, shall the City withhold or delay approval of the final improvement plans based on the "gap", provided that Catellus has worked in good faith as provide in this condition.

17. The southern driveway into the center from Willie Stargell Avenue shall be signed a "right in-right out". If at a future date it is determined by the Public Works Director based upon vehicle queues, delays, or collision rates that the driveway must be reconfigured or modified to maintain traffic safety, then the property owners shall be required to modify the driveway to address the traffic safety concern. Potential solutions may include but are not limited to providing a right turn lane into the driveway for westbound traffic that could accommodate the turning traffic demand, closing the driveway, or a traffic signal. The proposed modification shall be subject to review and approval by the Planning Board at a noticed public hearing based upon a recommendation by the Community Development Director and the Public Works Director. Catellus or its successor in interest "the property owner" shall be responsible for funding the design and construction of the approved modification provided that if the approved modifications proves to be infeasible or unacceptable to the property owner for financial, operational or other reasons, then the property owner may remove the safety concern by closing the driveway at their expense. This condition shall be noted on the tentative and final maps for the Retail Center property.
18. For any off-street parking facilities associated with the project, the applicant/developer shall submit the improvement plans to the Community Development Department and Pubic Works Department for review and approval. The plans shall be prepared by a registered civil engineer licensed in the State of California and shall be signed and stamped as approved. The Community Development Department shall review and approve the parking lot layout, including number of spaces, dimensions of spaces, and Americans with Disabilities Act (ADA) requirements, and the Public Works Director shall review and approve the internal and external circulation of the parking lot, including lane widths and access points, prior to approval of the improvements plans or parcel/final map (excluding the large lot conveyance map) (the "Retail Parcel/Final Map"), whichever comes first.

19. At least three weeks prior to the commencement of work within the public right-of-way that affects access for pedestrian, bicyclist, and vehicular traffic, the applicant/developer shall provide a Traffic Control Plan (TCP) to the Public Works Department for review and approval. The TCP shall be prepared by a registered civil engineer or traffic engineer licensed in the State of California, and be in accordance with the California MUTCD standards. The engineer shall sign and stamp the plans as approved. In general, any vehicular, transit, bicyclist, and pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an ADA compliant alternative route established as approved by the Public Works Director. At locations where adequate alternate access cannot be provided, appropriate signs and barricades shall be installed at locations determined by the Public Works Director and Police Chief. Should transit routes be affected, applicant/developer is required to receive prior approval from AC Transit of any proposed traffic detours or temporary closure of bus stops. Constructed work may not commence until the TCP is approved by the Public Works Director.
20. Pedestrian and vehicular lighting at all intersections and project driveways shall meet Alameda Municipal Power standards for crosswalks, sidewalks, and intersections.
21. Applicant/developer shall replace any damaged curb, gutter, and sidewalk along street frontages to the satisfaction of the Public Works Director, in accordance with the Public Works Department's Standard Plans and Specifications prior to acceptance of the project.

#### **SITE AND LANDSCAPE IMPROVEMENTS**

22. Prior to issuance of any site development or demolition permit, the applicant shall develop a construction management plan to the satisfaction of the Community Development Director and the City Engineer. The construction management plan shall include a handout for neighboring property owners and shall accomplish, at a minimum, the following:
  - a. Provide the name and contact number of the construction manager;
  - b. Describe the hours of operation;
  - c. Identify the projected construction schedule.
23. The applicant/developer shall submit construction improvement plans for all on- and off-site improvements, including detailed designs for all wet and dry utilities, landscaping and irrigation, water, grading, drainage, erosion control, paving, and solid waste storage and recycling areas. Master Demolition, Grading, Improvement and Phasing Plan (MDGIP) shall be completed (equivalent to 25% construction drawings) prior to issuance of demolition permits. The construction improvement plans shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California, unless the Public Works Director authorizes them to be prepared by some other qualified professional, and be in substantial compliance with the AMC, the City of Alameda Standard Plans and Specifications, Standard Subdivision Specifications and Design Criteria, and the approved Site-Wide Landscape Development Plan. Exception to City standards and specifications shall be specified on the approved MDGIP. The plans shall be reviewed and approved by the Public Works Director prior to approval of the



improvement plans or parcel/final map, (excluding the large lot conveyance map) (the "Retail Parcel/Final Map"), whichever comes first. The engineer shall also assume responsibility for inspection of the on-site construction work, including but not limited to parking lots, pathways, storm facilities, sewer facilities, etc., and shall certify to the City, prior to acceptance of the work or issuance of any occupancy permit, including a temporary occupancy permit, whichever comes first, that the installation of the on-site work (excluding the building and foundation) was constructed in accordance with the approved plans.

24. The landscape and irrigation plans for improvements in the public right-of-way shall be prepared, signed, and stamped as approved by a licensed landscape architect and shall be in substantial compliance with the City's Bay Friendly Landscaping requirements and Site-wide Landscape Development Plan, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable. Final landscape plans should ensure that all landscaping are compatible with the stormwater treatment measures, designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. As appropriate, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow of the swale. The plans shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans or parcel/final map, (excluding the large lot conveyance map) (the "Retail Parcel/Final Map"), whichever comes first. The landscape architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the installation of landscaping and irrigation in the public right-of-way was constructed in accordance with the approved plans.
25. The landscape and irrigation plans for on-site improvements shall be prepared, signed, and stamped as approved by a licensed landscape architect and shall be in accordance with the City's Bay Friendly Landscaping requirements, the AMC, conditions of approval by the Planning Board, and other regional jurisdictions requirements, as applicable. Final landscape plans should ensure that all landscaping are compatible with the stormwater treatment measures, designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. As appropriate, IPM principles and techniques shall be incorporated into the landscaping design and specifications. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain, and infiltrate runoff. Plant placement within the site landscape design shall not interfere with the design function of any of the stormwater treatment measures. For example, trees planted in or near a biotreatment swale shall not adversely interfere with the design flow of the swale. The plans shall be reviewed and approved by the Public Works Department prior to approval of the improvements plans or parcel/final map, (excluding the large lot conveyance map) (the "Retail Parcel/Final Map"), whichever comes first. The landscaped architect shall also assume responsibility for inspection of the work and shall certify to the City, prior to

acceptance of the work, that the installation of the on-site landscaping and irrigation was constructed in accordance with the approved plans.

26. Any proposed improvements with the floodplain area shall be prepared, signed, and stamped as approved by a registered civil engineer licensed in the State of California and meet the requirements of the AMC. The applicant/developer shall include the recommended improvements into the project's improvements plans prior to approval of the improvement plan and parcel/final map.
27. If Public Works Director determines that the land use assumptions are substantially different from the Sanitary Sewer System Master plan analysis (June 2009), a sanitary sewage flow analysis, acceptable to the Public Works Director, identifying the total peak sanitary sewage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's sanitary sewer system using the City's hydraulic model and determine the required improvements, if any, to ensure sufficient sewage capacity for this project and anticipated cumulative growth in the associated sewer sub-area. All permits, easements and/or approvals for modifications to the sewer system required by EBMUD are to be obtained prior to Final Map. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements from the sewer study and from EBMUD into the project's improvements plans prior to approval of the improvement plan or parcel/final map, (excluding the large lot conveyance map) (the "Retail Parcel/Final Map"), whichever comes first. Compliance with this condition shall satisfy the requirements for Mitigation Measure UTL-2.
28. The Applicant /Developer shall replace all sewer mains and laterals within its development limits (public and private) to reduce Inflow/Infiltration in compliance with EBMUD's and City's Stipulated Orders from the Environmental Protection Agency
29. A storm drainage hydrology analysis, acceptable to the Public Works Director, identifying the total peak drainage flow quantities to be generated by the proposed development shall be prepared by a registered civil engineer licensed in the State of California and submitted as part of the construction improvement plans. The engineer shall sign and stamp the analysis as approved. The City will provide this data to an independent consultant who will assess the impact of the proposed development on the City's storm drainage system using the City's Storm Drain Master Plan hydraulic model and determine the improvements, if any, to ensure sufficient capacity for this project and anticipated cumulative growth in the associated drainage basin. The applicant/developer will pay for the cost of the modeling study. The applicant/developer will include the recommended improvements into the project's improvements plans prior to approval of the improvement plan or parcel/final map, (excluding the large lot conveyance map) (the "Retail Parcel/Final Map"), whichever comes first.
30. The applicant/developer shall submit a soils investigation and geotechnical report, acceptable to the Public Works Director, in accordance with the AMC and prepared by a registered geotechnical engineer licensed in the State of California, with

recommendations based on the findings. The report shall address the structural and environmental analysis of existing soils and groundwater. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign and stamp the improvement plans as approved and as conforming to their recommendations prior to approval of the improvement plans or parcel/final map, whichever comes first. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the work performed is adequate and complies with their recommendations. Additional soils information may be required during the plan check of individual building plans. The applicant/developer will include the engineer's recommended improvements into the projects improvement plans prior to approval of the improvement plan or parcel/final map, (excluding the large lot conveyance map) (the "Retail Parcel/Final Map"), whichever comes first.

31. All required public frontage and street improvements on 5<sup>th</sup>, Mitchell, Stargell, and Marine Square Loop shall be designed, built, and dedicated to the City in accordance with the DDA, the DA, applicable City ordinances and the updated MGDIP. Unless waived or modified by the Public Works Director, street improvements shall include curbs, gutters, sidewalks, street trees, landscaping and irrigation, streetlights, etc.
32. The Alameda Landing DDA governs the financing of the cost of maintenance of public infrastructure improvements for the project. In order to assess whether there will be sufficient funding for the maintenance of public infrastructure improvements for the project, the applicant will submit a study showing the revenue source, any revenue caps, and the projected maintenance expenses for the proposed with the MDGIP prior to approval of improvement plans. If necessary to ensure that there will be sufficient maintenance funding, the applicant may propose changes to the public improvements that reduce maintenance costs. In the event that such changes would be inconsistent with any prior project approval granted by the Planning Board, the changes shall be subject to Planning Board review and approval. The Planning Board may identify alternative changes to the public improvements to ensure that maintenance funding is sufficient, provided that the Planning Board shall not disapprove of changes necessary to ensure sufficient maintenance funding is available unless the City or the CIC commit additional public funding sources sufficient to provide adequate maintenance funding. If the Planning Board recommends that the City provide funding, a hearing shall be scheduled before the City Council to consider the Planning Board's funding recommendation.
33. All new utilities directly serving the project shall be placed underground prior to issuance of any occupancy permit, including a temporary occupancy permit.
34. As part of compliance with Mitigation Measure TC-1, the applicant/developer shall resurface existing Stargell or recently improved Mariner Square Loop whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations so the street is restored to pre-project conditions. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of either a one and a half (1½) inch asphalt concrete overlay, or petromat with a minimum one inch asphalt concrete overlay, depending upon the extent of the proposed pavement cuts and the condition of the existing pavement section, as determined by the Public Works Director. Applicant/developer shall also provide

digouts and reconstruction of any potholed and/or alligatored areas adjacent to the project.

35. Any retaining walls, which are adjacent to a property line, shall be masonry, metal, or concrete. Wood retaining walls shall not be installed adjacent to property lines.
36. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of the reconstruction and Traffic Index shall be established by the Public Works Director prior to approval of the improvement plans or parcel/final map, (excluding the large lot conveyance map) (the "Retail Parcel/Final Map"), whichever comes first.
37. As part of compliance with Mitigation Measure AQ-1, exposed soil surfaces shall be periodically sprinkled to retard dust. During construction, the applicant/developer shall ensure that construction crews undertake a program of dust control including, but not limited to, watering soil surfaces as needed to prevent dust blowing, covering trucks carrying materials to and from the site, and frequent clean-up of soil carried by construction vehicle tires from the site onto streets. No City water shall be used for this purpose.
38. All project related grading, trenching, backfilling, and compaction shall be conducted in accordance with City of Alameda Standards and Specifications.
39. Hydro seeding of all disturbed areas shall be completed by October 1, of year of construction. Applicant/developer shall provide sufficient maintenance and irrigation to ensure growth is established by November 1.
40. Construction activities are restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, unless a permit is first secured from the City Manager or designee based upon a showing of significant financial hardship.
41. Construction equipment must have state of the art muffler systems as required by current law. Muffler systems shall be properly maintained.
42. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
43. Grading and construction equipment shall be shut down when not in use.
44. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Public Works Director to warn oncoming motorists, bicyclists, and pedestrians of potential safety concerns.
45. Prior to trenching within existing street areas, the applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such system.
46. New street trees shall maintain clearances from utilities as follow: a) Fire hydrant – six feet; b) top of driveway wing – five feet; c) stop signs – 15'; d) street/pathway lights and utility poles – 15'; e) storm drain, sanitary mains, gas, water, telephone,

electrical lines – five feet; f) front of electrical pad-mounted equipment – ten feet. Verify minimum clearance distances of street trees/shrubs from electrical transformers with Alameda Municipal Power (AMP).

47. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation, and firewater services and as required by the East Bay Municipal Utility District (EBMUD). These devices must be tested by an AWWA certified tester from a list of testers provided by EBMUD.
48. Costs for inspection by the Public Works construction inspectors during non-working hours shall be at time and one half. Work on Saturday's requiring inspection shall not be done unless approved in advance by the Public Works Director. No work allowed on Sundays. Any work done without inspection may be rejected at the contractor's expense.

## **STORMWATER AND WATER**

49. Prior to issuance of building permits, the applicant/developer shall secure all necessary permit approvals from EBMUD regarding the installation of all water or sewer service connections for the project. Accumulated wastewater must be drained to the sanitary sewer.
50. The construction improvement plans shall incorporate permanent storm water treatment controls and/or design techniques to manage the quantity and quality of storm water runoff from a planned development to prevent and minimize impacts to water quality. Efforts shall be taken to minimize impervious surface areas, especially directly connected impervious surface areas. Roof drains shall discharge and drain to an unpaved area wherever practicable. Design techniques may include vegetated swales, vegetated buffer zones, bioretention units, retention/detention basins and ponds, tree well systems, and the incorporation of pervious surface areas and Low Impact Development (LID) measures. Storm water treatment measures shall be constructed consistent with the latest version of the Alameda Countywide Clean water Programs Provision C3 Technical Guidance Manual. Applicants may also refer to the Bay Area Storm water Management Agencies Association (BASMAA) *Start at the Source Manual* for technical guidance.
51. The landscaping plans shall be designed to minimize runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. Consideration shall be given to pest-resistant landscaping and design features and the use of integrated pest management (IPM) principles and techniques. Where feasible, landscaping shall be designed and operated to treat storm water runoff.
52. For any project that creates or replaces 10,000 square feet or more of impervious surfaces, the applicant/developer shall submit a plan showing storm water treatment measure(s) required to be constructed to meet the hydraulic sizing design criteria indicated in the C.3.d provisions of the City of Alameda's municipal NPDES storm water permit as part of the improvement plans for the project. As part of the final improvement plan submittal, the applicant/developer shall submit a stamped, signed certification from a qualified independent civil engineer with storm water treatment facility design experience, licensed in the State of California, and acceptable to the

Public Works Director or designee that indicates the treatment measure design meets the established sizing design criteria for storm water treatment measures prior to approval of the improvements plans, parcel/final map, or grading permit, whichever comes first. Effective December 1, 2011, this requirement will also apply to any restaurant, automobile service facility, retail gasoline outlet, or uncovered parking project of 5,000 square feet or greater.

53. For any project that creates or replaces 10,000 square feet or more of impervious surfaces, the applicant/developer shall submit a Storm water Treatment Measures Operations and Maintenance (O&M) Plan as part of the improvement plans for the project. The O&M plan shall include, but not be limited to: treatment measure(s) descriptions and summary inventory; a legible, recordable, reduced-scale (8.5"x11") copy of the Site Plan indicating the treatment measure(s) location(s) and site drainage patterns; treatment measure(s) maintenance requirements and maintenance schedule; detailed description of the integrated pest management principals and techniques and/or Bay Friendly Landscaping Program techniques to be utilized during landscape maintenance to ensure pesticide/herbicide use-minimization in landscaped areas; name and contact information of current maintenance personnel; and, estimates of annual treatment measure(s) maintenance costs. The O&M Plan shall be reviewed and approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s), (excluding the large lot conveyance map) (the "Retail Parcel/Final Map"), or grading permit, whichever comes first.
54. For any project that creates or replaces 10,000 square feet or more of impervious surfaces, the applicant/developer shall submit Storm water Treatment Measures Maintenance Agreement (Agreement) as part of the improvement plans for the project. The Agreement shall include, but not be limited to: the approved O&M plan for all post-construction (permanent) storm water treatment measures; identification of the party responsible for storm water treatment measures O&M; an instrument of financial assurance, in an amount and form acceptable to the City, from the party responsible for storm water treatment measures O&M; assurances of access to inspect and verify the treatment system O&M for the life of the project; and assurances of the submittal of the annual O&M report approved by the City. The Agreement be executed between the project owner and the City and recorded, prior to approval of the improvements plans, parcel/final map, or grading permit, whichever comes first. The Agreement shall also be recorded at Project Owner's expense, with the County Recorder's Office of the County of Alameda as part of recordation of the parcel/final map.
55. For any project that creates or replaces 10,000 square feet or more of impervious surfaces, the applicant/developer shall submit a certification report (Report) prepared by a registered civil engineer, licensed in the State of California, affirming that all project site storm water treatment measures have been constructed per the City approved plans and specifications. As appropriate, the Report shall include, but not be limited to, assurances that: imported materials used for the treatment measure(s) are certified by the supplier; installation of these materials is per approved plans and specifications and meets the intent of the design engineer; required on-site testing results conform with approved plans and specifications; treatment measures conform to dimensions, grades and slopes on approved plans and specifications; all structural features of the treatment measures comply with plan specifications; the irrigation

system is installed and functions as designed; healthy vegetation/ground cover is installed as shown on plans. The Report shall be submitted in a form acceptable to the Public Works Director, prior to the issuance of any occupancy permit, including a temporary occupancy permit.

56. The applicant/developer shall submit a completed City of Alameda Impervious Surface Form to the Public Works Department for review prior to approval of the improvements plans, parcel/final map or grading permit, whichever comes first. The form shall include a table showing the amount of pervious and impervious area (indicated in units of square feet) prior to and after the proposed development.
57. Fire sprinkler system test water discharges shall be directed to onsite vegetated areas.
58. The applicant/developer shall submit, in digital format, a Notice of Intent (NOI) form to the California State Water Resources Control Board (SWRCB)'s SMARTS website, indicating the intent to comply with all requirements of the SWRCB Construction Activity Storm Water NPDES General Permit (Permit) and provide documentation to the Public Works Director prior to approval of a grading permit.
59. In compliance with the NOI submittal to the SWRCB, the applicant/developer of any project with a total disturbed area of one acre or greater shall submit a Storm Water Pollution Prevention Plan (SWPPP) as part of the improvement plan submittal. The SWPPP shall be reviewed and accepted by the Public Works Director or designee for conformance with the City's erosion and sediment control standards. Upon City's acceptance of the plan, applicant/developer shall submit, in digital format, the SWPPP and other required permit registration documents to the SWRCB's SMARTS website and provide the Public Works Director with documentation of the submittal prior to approval of a grading permit.
60. In compliance with the SWPPP, the applicant/developer of any project with a total disturbed area of one acre or greater shall be responsible for ensuring that all contractors and sub-contractors install and regularly maintain all control measure elements required in the project SWPPP s during any construction activities.
61. The applicant/developer of any construction project resulting in the potential for soils, construction materials and fluids, waste, and trash to blow or wash into a storm drain, gutter or street shall be responsible for ensuring that during any construction activity all contractors and sub-contractors install and regularly maintain erosion control measures and perform Best Management Practices (BMP), as described in the Alameda Countywide Clean Water Program brochures the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual and the California Storm water Quality Association's Storm water Best Management Practice, to prevent any pollutants entering directly or indirectly the storm water system. The applicant/developer shall pay for any required cleanup, testing, and City administrative costs resulting from consequence of construction materials entering the storm water system.
62. All new storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, as approved by the Public Works Director.

## SOLID WASTE AND TRASH ENCLOSURES

63. Design of all external enclosures for solid waste, recycling and organics shall be approved by the Public Works Director prior to approval of the improvements plans, parcel/final map(s) (but not the large lot conveyance map or the "Retail Parcel/Final Map"), or the building permit, whichever comes first. These facilities are to be designed to prevent water run-on to the area, runoff from the area, and to contain litter, trash and other pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system. External enclosures are to be roofed and/or enclosed. Any enclosures containing food waste shall have floor drains connected to the sanitary sewer system. If the enclosures are attached to buildings they shall have fire sprinklers. Internal collection and storage area(s) and the individual bins and containers provided, shall be adequate in capacity, number, and distribution to serve the anticipated demand for trash, recycling, and organics as determined by the Public Works Director.
64. Consistent with Mitigation Measure PUB-2, the applicant/developer shall submit a Waste Management Plan (WMP) approved by the Public Works Director in accordance with AMC Section 21-24 prior to issuance of a demolition permit.
65. During the construction/demolition/renovation period of the project, applicant/developer must obtain the necessary hauling permit, use a City certified waste hauler, or use the City of Alameda's franchised waste hauler, Alameda County Industries (ACI), in accordance with AMC Section 21-21, to remove all wastes generated during the project development.
66. A 40-foot turning radius must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. Although not required, construction of a concrete pad just outside each solid waste enclosure is recommended in order to accommodate the truck weight while servicing the dumpster.
67. Applicant must comply with the following minimum storage requirements for solid waste and recyclable materials:
68. Non-Residential Structures -- Non-residential structures/uses within all zoning districts shall provide external solid waste and recyclable storage areas. The following minimum exterior storage area requirements apply to each individual structure:

Building Size (sq. ft.)	Solid waste (sq.ft.)	Recyclables (sq.ft.)	Total Area (square feet)
0-5,000	12	12	24
5,001-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288



75,001-100,000	192	192	384
100,001+	Every additional 25,000 square feet shall require an additional 48 square feet for solid waste and 48 square feet for recyclables.		

69. Exterior solid waste and recyclable material storage shall be adjacent or combined and may only be located on the outside of a structure, in a designated interior courtyard with appropriate access, or in rear or side yards. External storage area(s) shall not be located in any required front yard, street side yard, required parking, landscaped, or open space, or any areas required by the AMC to be maintained as unencumbered.
70. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles used by the City's designated collector or hauler. In all cases where a parcel is served by an alley, all exterior storage areas shall be directly accessible to the alley.
71. The storage area(s) and the individual bins and containers provided within shall be adequate in capacity, number and distribution to serve the anticipated demand as determined by the Public Works Director.
72. The design and construction of the storage area(s) shall:
- Be compatible with the surrounding structures and land uses; and
  - Be properly secured to prevent access by unauthorized persons. If gates with locks are planned to limit access to the enclosure or to the property, cards or keys must be provided to the City's franchised waste hauler and recycling collector; at present Alameda County Industries; and
  - Contain a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates handling of the individual bins and containers; and
  - Provide a 6-inch wide curb or parking bumpers along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster and the recycling containers; and
  - Maintain a minimum space of 12 inches between the dumpster(s) and the walls of the enclosure and the recycling container(s) to allow for maneuvering the dumpster(s); and
  - Protect the area(s) and containers from adverse environmental conditions, which might render the collected materials non-collectible, noxious, unsafe, or in the case of recyclable materials, unmarketable.
73. Dimensions of the storage area(s) shall accommodate containers consistent with the current methods of collection. The storage area(s) shall be appropriately located and screened from view on at least three sides by a solid wall six feet in height, and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. Gates must open straight out and gates and hinges must be flush with the enclosure wall to allow adequate maneuverability of the dumpster in and out of the enclosure. The design of the wall and gate shall be architecturally compatible with the surrounding structures.

74. A sign clearly identifying each exterior solid waste and recyclable material storage area and the accepted material(s) is required. Each sign shall not exceed two square feet in area and shall be posted on the exterior of the storage area adjacent to all access points.

75. All solid waste containers, including dumpsters and individual cans or carts, must have fitted lids which shall remain closed at all times when the container is not being used or emptied.

#### **FIRE SAFETY**

76. Prior to issuance of Building Permits, the applicant shall submit a water supply plan for review and approval of the Fire Department.

#### **ACKNOWLEDGMENT OF CONDITIONS**

77. Prior to the issuance of any building permit for the site, the applicant shall acknowledge in writing all of the conditions of approval and must accept this permit subject to those conditions.

78. The building permit application should include a sheet that includes all conditions of approval within this resolution.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.